

REMARKS

This amendment is offered in response to the Office Action of May 5, 2004.

The Examiner rejected Claims 40 and 41 under the doctrine of obviousness-type double patenting over U.S. Patent No. 6,694,704 (Claim 1). The Applicant respectfully requests that this rejection be deferred. The Applicant will consider filing a terminal disclaimer, if necessary, when the claims are otherwise in condition for allowance.

Claim 40 was rejected under 35 U.S.C. §112, second paragraph. Claims 40 and 41 have been substantially amended to resolve this rejection.

Claims 40 and 41 were rejected under 35 U.S.C. §103(a) as being obvious over the Cantor reference (U.S. Patent No. 3,936,923). Similarly, Claims 40 and 41 were rejected under 35 U.S.C. §103(a) over the Yeager reference (U.S. Patent No. 5,782,733). However, the Cantor reference relates to attaching a metal zipper over a cutout in a garment material, where both zipper flanges are attached at the same time to the same film side. Yeager discloses a zipper which is attached transversely to the film. However, a slider could not function on any of the Yeager embodiments, because to use a slider (which would have to be of the type that is threaded from the zipper side and not top loaded and therefore not usable for automatic form-fill-seal procedures) would require both zipper flanges to have an unsealed area. The Yeager embodiments are not directed to a slider-operated zipper because the use of such a zipper would not be feasible.

Therefore, it is respectfully submitted that the rejections over the cited prior art are overcome.

For all of the reasons above, it is respectfully submitted that all of the presently pending

claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to allow the claims, and to pass this application to early issue.

Respectfully submitted,



Gerald Levy
Registration No. 24,419

Ronald E. Brown
Registration No. 32,200

Pitney Hardin LLP
7 Times Square
New York, New York 10036-7311
212-297-5800